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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

rvr@racunaslaw.com

# Office Action Summary

**Application No.**

09/967,171

**Applicant(s)**

FLUHR ET AL.

**Examiner**

Clement B. Graham

**Art Unit**

3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-43 remained pending in this application.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-43, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakfoor U.S. Patent 6, 496, 809 in view of Greasy WO 00/46728.

As per claim 1, Nakfoor discloses a system for providing logistics for a sale of one or more goods, said system receiving information from a remote seller, the information from said remote seller providing a description of said one or more goods, a price of said one or more goods, and a geographic location ("i.e. geographic location would have been inherent because the user would have choose a desired event or venue that they want to attend "see column 3 lines 30-50) of said one or more goods and obtaining from the description of said one or more goods provided by said remote seller an expiration time associated with said one or more goods and a point of last delivery (see column 1 lines 59-67 and column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 8-39 and 49-67) receiving information from a at least one remote buyer, the information from said remote buyer providing a purchase request, a method of payment, and a geographic location of the buyer; and to providing financial logistics and shipping logistics for completing said sale of said one or more goods without requiring interaction between said remote buyer and said remote seller (see column 1 lines 59-67 and column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 8-39 and 49-67 and column 6 claim 1).

Nakfoor fail to explicitly teach wherein said shipping logistics include automated variation of delivery options that permit said one or more goods to reach said remote buyer from the geographic location of said one or more goods prior to the expiration time and that are presented by said system to said remote buyer as a function of a the expiration time associated with said

one or more goods and a geography-based consideration determined by said system from information the geographic location of said one or more goods received from said remote seller, the geographic location of said remote buyer received from said remote buyer, and the point of last delivery.

However Greasy discloses after verifying and/or editing the Origin Address and Return Address, the process proceeds to step as shown in FIG. 1511 at step, the user scrolls the SHIPPING INFORMATION page if necessary and selects appropriate shipping service details for the present shipment. The user determines if a correct service type is filled in at decision, and if not the routine branches to step, where the user selects the appropriate service types from a dropdown list in FIG. 26. As shown in FIG. 26, some illustrative service types may include Next Day Air, Next Day Air Saver, 2d Day Air A.M., 2d Day Air, Worldwide Express Letter, and the like. After receipt of the selected service type from the user, the process branches to decision. The decision, the system tests whether the user has selected a special package shipping option, for example, Saturday delivery. If Saturday delivery is desired, the user can select a Saturday Delivery checkbox (FIG. 26) at step 398.(see column 83 lines 3-19 -61 and column 38 lines 5-22 and column 32 lines 6-22).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Nakfoor to include wherein said shipping logistics include automated variation of delivery options that permit said one or more goods to reach said remote buyer from the geographic location of said one or more goods prior to the expiration time and that are presented by said system to said remote buyer as a function of a the expiration time associated with said one or more goods and a geography-based consideration determined by said system from information the geographic location of said one or more goods received from said remote seller, the geographic location of said remote buyer received from said remote buyer, and the point of last delivery taught by Greasy in order to provide customers with the shipping or delivery options so they may chose the best option based on their shipping needs and time constraints.

As per claim 2, Nakfoor discloses wherein said system receives the information from said remote seller and the information from said remote buyer over a communications network (see column 2 lines 29-67 and column 3-4 lines1-67 and column 5 lines 10-39 and 49-67 and column 6 claim 1).

As per claim 3, Nakfoor discloses wherein said system determines a maximum amount of time required for said one or more goods to reach the point of last delivery by use of at least one geography based and time-based strategy (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 4, Nakfoor discloses wherein said one or more goods are time-sensitive (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 5, Nakfoor discloses wherein said one or more goods are event tickets (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 6, Nakfoor discloses wherein said shipping logistics include generating a shipping label for shipping said event tickets from said remote seller to said remote buyer (see column 6 lines 49-67 and column 7 lines 1-39 and lines 59-65 and column 8 lines 5-34 and column 10 lines 30-67).

As per claim 7, Nakfoor discloses wherein said shipping logistics include arranging for a courier to receive said one or more goods from said remote seller and to deliver said one or more goods to said point of last delivery (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 8, Nakfoor discloses wherein said system utilizes said at least one geography-based and time-based strategy to provide said remote seller with a latest possible time for said sale to end (see column 6 lines 49-67 and column 7 lines 1-39 and lines 59-65 and column 8 lines 5-34 and column 10 lines 30-67).

As per claim 9, Nakfoor discloses wherein said system lists said one or more goods for sale at the price provided by said remote seller, and said system reduces the sale price by a predetermined amount upon expiration of a predetermined time period (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 10, Nakfoor discloses wherein said system further utilizes said at least one geography-based and time-based strategy to provide said remote buyer with at least one option for shipping said one or more goods to said remote buyer with at least one courier (see column 2

lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 11, Nakfoor wherein said financial logistics include authorizing an amount of sale on a credit card of said remote buyer, charging said credit card for said amount of sale, receiving said amount of sale, and transferring at least a portion of said amount of sale to said remote seller (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 12, Nakfoor discloses a computer system for providing logistics for a sale of one or more goods, said computer system executing a program stored in memory including computer-executable portions comprising:

a first portion that receives information from a seller including a geographic location (“i. e., geographic location would have been inherent because the user would have choose a desired event or venue that they want to attend “see column 3 lines 30-50)of said one or more goods a desired sale price of said one or more goods, and description of said one or more goods and that obtains from said description of said one or more goods provided by said seller an expiration time associated with said one or more goods and a point of last delivery (see column 1 lines 59-67 and column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 8-39 and 49-67) a second portion that presents said desired sale price and said description of said one or more goods to a buyer a third portion that receives a purchase request, a geographic location of said buyer, and credit card information from said buyer(see column 1 lines 59-67 and column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 8-39 and 49-67) a fourth portion that provides financial logistics including authorizing and charging said a credit card of said buyer and providing funds to said seller and a fifth portion that provides shipping logistics including arranging for shipping said one or more goods from said seller to said buyer (see column 1 lines 59-67 and column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 8-39 and 49-67 and column 6 claim 1).

Nakfoor fail to explicitly teach wherein available shipping options that permit said one or more goods to reach said buyer from the geographic location of said one or more goods prior to the expiration time are automatically provided to said buyer as a function of shipping logistics associated with said one or more goods determined from the said expiration time associated with

said one or more goods, said geographic location of said one or more Roods received from said seller, said geographic location of said buyer received from said buyer, and said point of last delivery.

However Greasy discloses after verifying and/or editing the Origin Address and Return Address, the process proceeds to step as shown in FIG. 1511 At step, the user scrolls the SHIPPING INFORMATION page 660 if necessary and selects appropriate shipping service details for the present shipment. The user determines if a correct service type is filled in at decision 392, and if not the routine branches to step 394, where the user selects the appropriate service types from a dropdown list 704 in FIG. 26. As shown in FIG. 26, some illustrative service types may include Next Day Air, Next Day Air Saver, 2d Day Air A.M., 2d Day Air, Worldwide Express Letter, and the like. After receipt of the selected service type from the user, the process branches to decision. The decision 396, the system tests whether the user has selected a special package shipping option, for example, Saturday delivery. If Saturday delivery is desired, the user can select a Saturday Delivery checkbox 706 (FIG. 26) at step 398.(see column 83 lines 3-19 -61 and column 38 lines 5-22 and column 32 lines 6-22).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Nakfoor to include wherein available shipping options that permit said one or more goods to reach said buyer from the geographic location of said one or more goods prior to the expiration time are automatically provided to said buyer as a function of shipping logistics associated with said one or more goods determined from the said expiration time associated with said one or more goods, said geographic location of said one or more Roods received from said seller, said geographic location of said buyer received from said buyer, and said point of last delivery taught by Greasy in order to provide customers with the option shipping or delivery options so they may chose the option based on their shipping needs and time constraints.

As per claim 13, Nakfoor discloses wherein said first, second and third portions each comprise at least one interactive Web page.(see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 14, Nakfoor discloses wherein said first portion is determines a last sale time for said sale to end based upon said geographic location of said one or more goods received from

said seller, a said point of last delivery, and a-n said expiration time of associated with said one or more goods (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 15, Nakfoor discloses wherein said fourth portion is receives confirmation from a said seller and charges said credit card of said buyer only after receiving said confirmation (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 16, Nakfoor discloses wherein said fifth portion determines a maximum amount of time required for said one or more Roods to reach said point of last delivery (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 17, Nakfoor discloses wherein said fifth portion presents at least one shipping option for selection by said buyer for delivering said one or more goods to said point of last delivery via a courier (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 18, Nakfoor discloses wherein said fifth portion is integrated with a computer system of said courier (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 19, Nakfoor discloses wherein said second portion is reduces said desired sale price by a predetermined amount upon expiration of a predetermined time period (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 20, Nakfoor discloses wherein said second portion is vary reduces said desired sale price based upon market conditions (see column 6 lines 49-67 and column 7 lines 1-39 and lines 59-65 and column 8 lines 5-34 and column 10 lines 30-67).

As per claim 21, Nakfoor discloses wherein said one or more goods are time-sensitive (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).



As per claim 22, Nakfoor discloses wherein said one or more goods are event tickets for an event (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 9-39 and 49-67 and column 6 claim 1).

As per claim 23, Nakfoor discloses wherein said fifth portion generates a shipping label for shipping said event tickets from said seller to said buyer (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 24, Nakfoor discloses wherein said point of last delivery is a venue location of said event and said expiration time is a time of said event. (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 25, Nakfoor discloses a method for providing logistics for a sale of goods without requiring interaction between a seller and a buyer, comprising the steps of receiving information from a seller regarding certain goods that said seller desires to sell (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 10-39 and 49-67) providing said information to at least one prospective buyer regarding said certain goods; receiving a purchase request for said certain goods from a buyer; confirming said buyer's ability to pay for said goods, arranging for said certain goods to be transferred from said seller to said buyer; receiving payment from said buyer, confirming that said certain goods have been received by said buyer; and providing at least a portion of said received payment to said seller. (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 9-39 and 49-67 and column 6 claim 1).

Nakfoor fail to explicitly teach wherein said shipping logistics include automated variation of delivery options as a function of a time period associated with said goods and a geography based consideration.

However Greasy discloses after verifying and/or editing the Origin Address and Return Address, the process proceeds to step as shown in FIG. 1511 At step, the user scrolls the SHIPPING INFORMATION page 660 if necessary and selects appropriate shipping service details for the present shipment. The user determines if a correct service type is filled in at decision 392, and if not the routine branches to step 394, where the user selects the appropriate service types from a dropdown list 704 in FIG. 26. As shown in FIG. 26, some illustrative service types may include Next Day Air, Next Day Air Saver, 2d Day Air A.M., 2d Day Air, Worldwide Express Letter, and the like. After receipt of the selected service type from the user, the process branches to decision. The

decision 396, the system tests whether the user has selected a special package shipping option, for example, Saturday delivery. If Saturday delivery is desired, the user can select a Saturday Delivery checkbox 706 (FIG. 26) at step 398.(see column 83 lines 3-19 -61 and column 38 lines 5-22 and column 32 lines 6-22).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Nakfoor to include wherein said shipping logistics include automated variation of delivery options as a function of a time period associated with said goods and a geography based consideration in order to provide customers with the option shipping or delivery options so they may chose the option based on their shipping needs and time constraints.

As per claim 26, Nakfoor discloses wherein said certain goods are time-sensitive. .(see column 2 lines 29-67 and column 3-4 lines1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 27, Nakfoor discloses wherein said certain goods are event tickets .(see column 2 lines 29-67 and column 3-4 lines1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 28, Nakfoor discloses wherein said event tickets are electronically transferred from said buyer to said seller (see column 2 lines 29-67 and column 3-4 lines1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 29, Nakfoor discloses wherein said event tickets are physically transferred from said buyer to said seller (see column 2 lines 29-67 and column 3-4 lines1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 30, Nakfoor discloses wherein said step of confirming said buyer's ability to pay for said goods includes authorizing a credit card of said buyer .(see column 2 lines 29-67 and column 3-4 lines1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 31, Nakfoor discloses wherein said step of receiving payment from said buyer includes charging said credit card (see column 2 lines 29-67 and column 3-4 lines1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 32, Nakfoor further comprising the step of confirming said seller's ability to provide said certain goods prior to charging said credit card (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 33, Nakfoor discloses wherein said step of providing said information to at least one prospective buyer is performed by use of a Web site (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 34, Nakfoor discloses wherein said step of arranging for said certain goods to be transferred from said seller to said buyer includes determining a plurality of shipping options by use of a geography and time-based strategy, and providing said plurality of shipping options to said buyer (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 35, Nakfoor discloses wherein each of said steps is performed without disclosing the identities of said buyer and seller to one another (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 36, Nakfoor discloses computer-implemented method of providing logistics for a sale of one or more event tickets, comprising the steps of:  
providing a Web site via a computer system for receiving completing said sale of said one or more event tickets without requiring interaction between a seller of said one or more event tickets and prospective of said one or more event tickets(see column 1 lines 59-67 and column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 8-39 and 49-67) receiving information at said computer system from a computer of a said seller, the information received from the computer of said seller including attributes of at least one event ticket that said seller desires to sell and a geographic location (“i. e, geographic location would have been inherent because the user would have choose a desired event or venue that they want to attend “see column 3 lines 30-50) of said at least one event ticket(see column 1 lines 59-67 and column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 8-39 and 49-67 ) obtaining from said attributes an expiration time associated with said at least one event ticket and a point of last delivery based upon a venue location of an event, determining a last sale time for said sale to end based upon said geographic location of said at least one event ticket, said a point of last delivery, and a said expiration time associated with said at least one event(see column 1 lines 59-67 and column 2

lines 29-67 and column 3-4 lines 1-67 and column 5 lines 8-39 and 49-67 ) presenting said at least one event ticket for sale to prospective buyers~ by use of said Web site, until said at least one event ticket is sold or said last sale time passes receiving information at said computer system from a computer of a buyer, the information received from the computer of said buyer including a purchase request for said at least one event ticket and a geographic location of said buyer(see column 1 lines 59-67 and column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 8-39 and 49-67 and column 6 claim 1).

Nakfoor fail to explicitly teach providing at least one shipping option to a the computer of said buyer for selection by said buyer, said at least one shipping option determined by said computer system based on said expiration time associated with said at least one event ticket, said geographic location of said at least one event ticket received from the computer of said seller, said geographic location of said buyer received from the computer of said buyer, and said point of last delivery, receiving a selected shipping option from said buyer querying said buyer for information regarding a credit card to pay for said at least one event ticket, authorizing the credit card of said buyer for an amount of sale; arranging for a courier to receive said at least one event ticket from said seller and to deliver said at least one event ticket to said buyer or to said point of last delivery, according to said selected shipping option, charging said credit card of said buyer for said amount of sale receiving said amount of sale and providing at least a portion of said amount of sale to said seller upon delivery of said at least one event ticket to said buyer.

However Greasy discloses after verifying and/or editing the Origin Address and Return Address, the process proceeds to step as shown in FIG. 1511 at step, the user scrolls the SHIPPING INFORMATION page if necessary and selects appropriate shipping service details for the present shipment. The user determines if a correct service type is filled in at decision, and if not the routine branches to step, where the user selects the appropriate service types from a dropdown list in FIG. 26. As shown in FIG. 26, some illustrative service types may include Next Day Air, Next Day Air Saver, 2d Day Air A.M., 2d Day Air, Worldwide Express Letter, and the like. After receipt of the selected service type from the user, the process branches to decision. The decision, the system tests whether the user has selected a special package shipping option, for example, Saturday delivery. If Saturday delivery is desired, the user can select a Saturday Delivery checkbox (FIG. 26) at step 398.(see column 83 lines 3-19 -61 and column 38 lines 5-22 and column 32 lines 6-22).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Nakfoor to include providing at least one shipping option to a the computer of said buyer for selection by said buyer, said at least one shipping option determined by said computer system based on said expiration time associated with said at least one event ticket, said geographic location of said at least one event ticket received from the computer of said seller, said geographic location of said buyer received from the computer of said buyer, and said point of last delivery, receiving a selected shipping option from said buyer, querying said buyer for information regarding a credit card to pay for said at least one event ticket, authorizing the credit card of said buyer for an amount of sale; arranging for a courier to receive said at least one event ticket from said seller and to deliver said at least one event ticket to said buyer or to said point of last delivery, according to said selected shipping option, charging said credit card of said buyer for said amount of sale receiving said amount of sale and providing at least a portion of said amount of sale to said seller upon delivery of said at least one event ticket to said buyer taught by Greasy in order to provide customers with the shipping or delivery options so they may chose the best option based on their shipping needs and time constraints.

As per claim 37 Nakfoor discloses further comprising the steps of: receiving confirmation that said seller can provide said at least one event ticket prior to charging said credit card of said buyer (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 38 Nakfoor discloses wherein said point of last delivery is determined to be the venue location of said event (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 39, Nakfoor discloses wherein said geographic location of said at least one event ticket is determined to be the location of said seller (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 40, Nakfoor discloses a computer-implemented method of providing logistics for a sale of event tickets, comprising the steps of: providing a Web site via a computer system for receiving information from and presenting information to prospective sellers and buyers of event tickets, providing a seller an option for

selling event tickets within a season ticket package, providing an interactive page on said Web site which automatically displays all events remaining in said season ticket package to said seller (see column 1 lines 59-67 and column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 8-39 and 49-67) allowing said seller to select any of said displayed events to place for sale, to enter sales information including a number of tickets for sale for each event, and a price per ticket for each event and presenting said sales information to prospective buyers by use of said Web site; receiving information at said computer system from a computer of a seller, the information received from the computer of said seller including attributes of at least one event ticket that said seller desires to sell and a geographic location of said at least one event ticket (see column 1 lines 59-67 and column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 8-39 and 49-67) obtaining from said attributes an expiration time associated with said at least one event ticket and a point of last delivery based upon a venue location of an event, determining a last sale time for said sale to end based upon said geographic location of said at least one event ticket, said a point of last delivery, and a said expiration time associated with said at least one event (see column 1 lines 59-67 and column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 8-39 and 49-67 ) presenting said at least one event for sale to prospective buyers by use of said Web site, until said at least one event ticket is sold or said last sale time passes receiving information at said computer system from a computer of a buyer, the information received from the computer of said buyer including a purchase request for said at least one event ticket from and a geographic location of said buyer(see column 1 lines 59-67 and column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 8-39 and 49-67 and column 6 claim 1).

Nakfor fail to explicitly teach providing at least one shipping option to a the computer of said buyer for selection by said buyer, said at least one shipping option determined by said computer system based on said expiration time associated with said at least one event ticket, said geographic location of said at least one event ticket received from the computer of said seller, said geographic location of said buyer received from the computer of said buyer, and said point of last delivery, receiving a selected shipping option from said buyer and providing one or both of financial logistics and/or shipping logistics to a prospective buyer.

However Greasy discloses after verifying and/or editing the Origin Address and Return Address, the process proceeds to step as shown in FIG. 1511 At step, the user scrolls the

SHIPPING INFORMATION page 660 if necessary and selects appropriate shipping service details for the present shipment. The user determines if a correct service type is filled in at decision 392, and if not the routine branches to step 394, where the user selects the appropriate service types from a dropdown list 704 in FIG. 26. As shown in FIG. 26, some illustrative service types may include Next Day Air, Next Day Air Saver, 2d Day Air A.M., 2d Day Air, Worldwide Express Letter, and the like. After receipt of the selected service type from the user, the process branches to decision. The decision 396, the system tests whether the user has selected a special package shipping option, for example, Saturday delivery. If Saturday delivery is desired, the user can select a Saturday Delivery checkbox 706 (FIG. 26) at step 398.(see column 83 lines 3-19 -61 and column 38 lines 5-22 and column 32 lines 6-22).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Nakfoor to include providing at least one shipping option to a the computer of said buyer for selection by said buyer, said at least one shipping option determined by said computer system based on said expiration time associated with said at least one event ticket, said geographic location of said at least one event ticket received from the computer of said seller, said geographic location of said buyer received from the computer of said buyer, and said point of last delivery, receiving a selected shipping option from said buyer and providing one or both of financial logistics and/or shipping logistics to a prospective buyer taught by Greasy in order to provide customers with the shipping or delivery options so they may chose the best option based on their shipping needs and time constraints.

As per claim 41 Nakfoor discloses further comprising the steps of: receiving a desired sale price for said at least one event ticket from said seller; receiving a minimum sale price for said at least one event ticket from said seller; and displaying a purchase price for said at least one event ticket to prospective buyers, said purchase price being initially equal to said desired sales sale price and selectively reducing said displayed purchase price by a predetermined amount each time a predetermined time period expires until said at least one event ticket is sold or until said purchase price equals said minimum sale price (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 42 Nakfoor discloses further comprising the steps of: receiving a desired sale price for said at least one event ticket from said seller; and displaying a purchase price for

said at least one event ticket to prospective buyers, said purchase price being initially equal to said desired sale price; and selectively varying said displayed purchase price based upon market conditions (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

As per claim 43 Nakfoor discloses further comprising the steps of: determining a time remaining before said event tickets expire upon receiving said purchase request from said buyer; and determining said at least one shipping option based upon said time remaining before said event, and said location of said at least one event ticket (see column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 22-39 and 49-67 and column 6 claim 1).

### **Conclusion**

### **RESPONSE TO ARGUMENTS**

4. Applicant's arguments filed 11/12/09 has been fully considered but they not persuasive for the following reasons.

5. In response to Applicant's arguments that Nakfoor and Greasy fail to teach or suggest" of there is no disclosure of logistics that are provided to said seller and said buyer via an automated system wherein identities of said seller and said buyer are maintained confidential from one another and of providing at least one shipping option to a computer of a buyer for selection by said buyer, said at least one shipping option determined by said computer system based on an expiration time associated with said at least one event ticket, a geographic location of said at least one event ticket received from a computer of said seller, a geographic location of said buyer received from the computer of said buyer, and a point of last delivery" the examiner disagrees with Applicant's because Applicant "s claimed limitations were addressed with a combination of teachings as stated.

Nakfoor discloses receiving information from a remote seller, the information from said remote seller providing a description of said one or more goods, a price of said one or more goods, and a geographic location ("i. e, geographic location would have been inherent because the user would have choose a desired event or venue where they want to attend "see column 3 lines 30-50) of said one or more goods and obtaining from the description of said one or more goods provided by said remote seller an expiration time associated with said one or more goods and a point of



last delivery (see column 1 lines 59-67 and column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 8-39 and 49-67) receiving information from a at least one remote buyer, the information from said remote buyer providing a purchase request, a method of payment, and a geographic location of the buyer; and to providing financial logistics and shipping logistics for completing said sale of said one or more goods without requiring interaction between said remote buyer and said remote seller (see column 1 lines 59-67 and column 2 lines 29-67 and column 3-4 lines 1-67 and column 5 lines 8-39 and 49-67 and column 6 claim 1).

Greasy discloses after verifying and/or editing the Origin Address and Return Address, the process proceeds to step as shown in FIG. 1511 At step, the user scrolls the SHIPPING INFORMATION page 660 if necessary and selects appropriate shipping service details for the present shipment. The user determines if a correct service type is filled in at decision 392, and if not the routine branches to step 394, where the user selects the appropriate service types from a dropdown list 704 in FIG. 26. As shown in FIG. 26, some illustrative service types may include Next Day Air, Next Day Air Saver, 2d Day Air A.M., 2d Day Air, Worldwide Express Letter, and the like. After receipt of the selected service type from the user, the process branches to decision. The decision 396, the system tests whether the user has selected a special package shipping option, for example, Saturday delivery. If Saturday delivery is desired, the user can select a Saturday Delivery checkbox 706 (FIG. 26) at step 398.(see column 83 lines 3-19 -61 and column 38 lines 5-22 and column 32 lines 6-22).

6. Applicant's also maintains that, whether taken alone or in combination with each other, are insufficient to establish obviousness, and there is no suggestion to combine the electronic ticketing system of Nakfoor with the package shipping system disclosed by Creasy, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071,5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). The rationale to modify or combine the prior art does not have to be expressly stated in the prior art; the rationale may be expressly or impliedly contained in the prior art or it may be reasoned from

knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law. In re Fine, 837 F.2d 1071, 5USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). See also In re Eli Lilly & Co., 902 F.2d 943, 14 USPQ2d 1741 (Fed. Cir. 1990) (discussion of reliance on legal precedent); In re Nilssen, 851 F.2d 1401, 7USPQ2d 1500 (Fed. Cir. 1988) (references do not have to explicitly suggest combining teachings); Ex parte Clapp, 227 USPQ 972 (Bd. Pat. App. & Inter); and Es parteLevengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993) (reliance on logic and sound scientific reasoning). Also in reference to Ex parte Levengood, 28 USPQ2d, 1301, the court stated that "Obviousness is a legal conclusion, the determination of which is a question of patent law. Motivation for combining the teachings of the various references need not to explicitly found in the reference themselves, In re Keller, 642 F.2d 413, 208USPQ 871 (CCPA 1981). Indeed, the Examiner may provide an explanation based on logic and sound scientific reasoning that will support a holding of obviousness. In re Soli, 317 F.2d 941 137 USPQ 797 (CCPA 1963)."

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B. Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/  
Supervisory Patent Examiner, Art  
Unit 3691

CG

Feb 10, 2010